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April 20, 2019

Via ECF

The Honorable Vera M. Scanlon, U.S.M.J.
United States District Court, E.D.N.Y.
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Snagg v. Birch Family Services, Inc., et al.*
Case No. 2:18-CV-06723 (DLI) (VMS)

Dear Judge Scanlon,

We represent Plaintiff in the above-referenced matter. This letter is respectfully submitted to inform the Court that Plaintiff has served her collective action certification motion and supporting papers for same on Defendants' counsel (all motion papers were provided to defense counsel on or before April 20, 2019).

Defendants' counsel, Mr. Greenhaus, requested that I inform the Court of Defendants' position regarding Plaintiff's above-referenced motion, which is as follows: Defendants disagree that Plaintiff's submission of the motion prior to the forthcoming April 30, 2019 conference was proper, but, to the extent the Court considers Plaintiff's motion, Defendants agree to discuss the briefing schedule for same at the conference.

We dispute Defendants' claim that submitting Plaintiff's collective certification motion before the conference was improper. By Order dated March 12, 2019, said motion was referred to Your Honor by Chief Judge Irizarry. Your Honor's motion rules do not include a pre-motion conference requirement. And, Your Honor's Text Order dated March 27, 2019 did not state that the Court's motion rules do not apply to this motion, or that Plaintiff was prohibited from making this motion before the conference. Moreover, because Defendants refused to agree to tolling of the FLSA ("FLSA") claims, further delay in making this motion would be prejudicial to the interests of putative collective members (the FLSA limitations periods for such individuals continue to run).

As I have informed Mr. Greenhaus, we are happy to discuss the remaining briefing schedule for this recently-served motion at the April 30, 2019 conference. We thank Your Honor for considering this matter.

Respectfully submitted,

/s/ Taimur Alamgir
Taimur Alamgir, Esq.

cc: Defendants' counsel via ECF